

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13701-13750

[Approved by the Acting Secretary of Agriculture, Washington, D. C., December 5, 1925]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13701. Misbranding and alleged adulteration of evaporated apples. U. S. v. 81 Cases of Evaporated Apples. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 19919. I. S. No. 14230-v. S. No. E-5193.)

On March 24, 1925, the United States attorney for the District of Vermont, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 81 cases of evaporated apples, at Burlington, Vt., alleging that the article had been shipped by the A. W. Williams Fruit Co., from Sodus, N. Y., in two consignments, namely, February 17 and 20, 1925, respectively, and transported from the State of New York into the State of Vermont, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Carton) "14 To 15 Ounces Net When Packed Hills of Wayne Fancy Evaporated Apples Sodus, New York * * * Packed By A. B. Williams Fruit Co."

It was alleged in substance in the libel that the article was adulterated, in that it contained excessive moisture.

It was further alleged in the libel that the article was misbranded.

On July 7, 1925, the Spaulding & Kimball Co., Burlington, Vt., having appeared as claimant for the property, judgment of the court was entered, finding the product misbranded and ordering its condemnation and forfeiture, and it was further ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$600, conditioned in part that it not be sold or disposed of contrary to law.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13702. Misbranding of Dr. Sayman's wonder herbs. U. S. v. 26 Packages of Dr. Sayman's Wonder Herbs. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 19098. S. No. C-4513.)

On October 31, 1924, the United States attorney for the Eastern District of Louisiana, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 26 packages of Dr. Sayman's wonder herbs, at New Orleans, La., alleging that the article had been shipped by the T. M. Sayman Products Co., St. Louis, Mo., in part on or about February 9, 1923, and in part on or about June 4, 1924, and transported from the State of Missouri

into the State of Louisiana, and charging misbranding in violation of the food and drugs act as amended.

Analysis of a sample of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a mixture of gentian, ginger, rhubarb, licorice, cascara sagrada, buchu, senna, and sodium carbonate or bicarbonate.

Misbranding of the article was alleged in the libel for the reason that the statement on the box containing the said article "Composed of Roots, Barks and Herbs" and the statement on the accompanying circular "All Herbs" were false and misleading and deceived and misled the purchaser, in that sodium carbonate or bicarbonate was one of the ingredients. Misbranding was alleged for the further reason that the following statements regarding the curative and therapeutic effects of the article were false and fraudulent, since it contained no ingredient or combination thereof capable of producing the effects claimed: (Box label) "Sayman's Wonder Herbs A Blood Medicine * * * A Boon For Suffering Women * * * Guaranteed," (carton label) "Sayman's Wonder Herbs A Blood Medicine * * * Regulates the Liver and Kidneys, cleanses the Blood, and aids Digestion * * * For * * * Dyspepsia, Loss of Appetite * * * Sick Headache, * * * La Grippe, Chills and Fever, Intermittent or Remittent Fever, Weak or Impaired Kidneys, Biliousness, Nervousness, Impure Blood, Rheumatism, Scrofula, Syphilitic Taints, Female Complaints and Blood Poison * * * Beneficial to Women suffering from those ailments peculiar to their sex. A valuable treatment for LaGrippe, and its after effects, Malaria, Chills, Fever or Ague and all diseases arising from an impure or impoverished condition of the blood. * * * disorder of the stomach, liver, and kidneys," (small circular) "The Bitter that is needed for the Blood and the Gall Bladder is furnished through the medium of Sayman's Wonder Herbs—the greatest Blood and Liver Medicine ever compounded * * * an effective Blood Medicine," (retail price list) "for the blood, stomach, liver and kidneys."

On May 27, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13703. Adulteration of butter. U. S. v. 8 Cubes and 1 Cube of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20324. I. S. Nos. 26-x, 27-x. S. No. W-1751.)

On July 15, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 9 cubes of butter, remaining in the original unbroken packages at San Francisco, Calif., alleging that the article had been shipped by the Mutual Creamery Co., from Grand Junction, Colo., on or about June 30, 1925, and transported from the State of Colorado into the State of California, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance deficient in butterfat had been substituted wholly or in part for the said article, and in that a valuable constituent, namely, butterfat, had been in part abstracted.

On July 28, 1925, the Mutual Creamery Co., claimant, having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$205, in conformity with section 10 of the act, conditioned in part that it be brought into compliance with the law under the supervision of this department.

R. W. DUNLAP, *Acting Secretary of Agriculture.*

13704. Adulteration of butter. U. S. v. 1 Cube, 18 Cubes, and 14 Cubes of Butter. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20325. I. S. No. 32-x. S. No. W-1752.)

On or about July 17, 1925, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 33 cubes of butter, remaining in the original un-